

85-18-X PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Space for one double-faced illuminated 12 x 25'
outdoor advertising structure (sign)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Lessee:

Legal Owner(s):

Foster & Kleiser
(Type or Print Name)
[Signature]
3001 Remington Avenue
Address (301) 235-8820
Baltimore, MD 21211
City and State

Louis DiPasquale
(Type or Print Name)
[Signature]
10025 Pulaski Hwy
(Type or Print Name)
Baltimore, MD 21220
City and State

Agency for Petitioner:

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Phone No.

Agency's Telephone No.:

Name
Address
City and State
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of June, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of July, 1984, at 10:15 o'clock A.M.

[Signature]
Zoning Commissioner of Baltimore County.

E.C.O.-No. 1

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: July 17, 1984
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition Nos. 85-18-X and 85-21-A

There are no comprehensive planning factors requiring comment on these petitions.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 13, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Louis DiPasquale
10025 Pulaski Highway
Baltimore, Maryland 21220

ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Buildings Department
Board of Education
Zoning Administration
Industrial Development

RE: Item NO. 275 - Case NO. 85-18-X
Petitioner - Louis DiPasquale
Special Exception

Dear Mr. DiPasquale:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NEB:bsc

Enclosures

cc: Mr. W. Walker
Foster & Kleiser
3001 Remington Avenue
Baltimore, Md. 21211

85-18-X

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 14th day of June, 1984.

Petitioner Louis DiPasquale
Petitioner's Attorney

ARNOLD JABLON
Zoning Commissioner

Received by *[Signature]*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

M-SE Key Sheet
24 NE 33 Pos. Sheet
NE 6 1 Topo
82 Tax Map

May 21, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #275 (1983-1984)
Property Owner: Louis DiPasquale
5/15 Pulaski Highway 1023' N/E Mohr's Lane
Acre: 15 X 30 District: 11th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Pulaski Highway (U.S. 40) is a State Road. All improvements, intersections, entrances, drainage requirements and construction affecting a State Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

Baltimore County highway and utility improvements are not directly involved.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 275 (1983-1984).

Very truly yours,

[Signature]
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FW:iss



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
Hal Kassoff
Acting Administrator

April 30, 1984

Mr. A. Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 4-24-84
ITEM: #275.
Property Owner: Louis DiPasquale
Location: SE/S Pulaski Highway, Route 40-W, 1023' N/E Mohr's Lane
Existing Zoning: B.R.
Proposed Zoning: Special Exception for one double-faced illuminated 12 X 25 outdoor advertising structure (sign).
Acre: 15 X 30
District: 11th

Dear Mr. Jablon:

On review of the submittal of Special Exception for one double-faced illuminated sign, the State Highway Administration finds the plan generally acceptable with the sign located outside the S.H.A. Right-of-Way.

Any additional information with reference to Outdoor Advertising should be through Mr. Morris Stein of that Bureau at 659-1640.

Very truly yours,

[Signature]
Charles Lee, Chief
Bureau of Engineering
Access Permits

CL:GW:maw

By: George Wittman

cc: Mr. M. Stein (no-attachment)
Mr. J. Ogle My telephone number is (301) 659-1350

363-7555 Baltimore Metro - 363-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 4-24-84
Item # 275
Property Owner: LOUIS DI PASQUALE
Location: 5/15 Pulaski Highway 1023' N/E Mohr's Lane

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on
- ☒ Landscaping should be provided on this site and shown on the plan.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become inadequate. The Basic Services Areas are re-evaluated annually by the County Council.
- ☒ Additional comments:

[Signature]
Eugene A. Bober
Chief, Current Planning and Development

cc: James Howell

JUL 29 1984

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of , 19, that the herein Petition for Special Exception

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 133277
DATE 8/9/84 ACCOUNT R-01-615-000
AMOUNT \$105.00
RECEIVED FROM Foster & Kleiser
FOR Appeal fee on Case 85-18-X (L. DiPasquale)
6 103*****1050016 8416F
VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR SPECIAL EXCEPTION: BEFORE THE ZONING COMMISSIONER
SE/S of Pulaski Hwy., 820'
NE of the Centerline of : OF BALTIMORE COUNTY
Mohr's Ln., 11th District
LOUIS DIPASQUALE, Petitioner : Case No. 85-18-X
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 29th day of June, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. Louis DiPasquale, 10025 Pulaski Highway, Baltimore, MD 21220, Petitioner; and Foster & Kleiser, 3001 Remington Ave., Baltimore, MD 21211, Contract Lessee.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Date: May 29, 1984
FROM: Ian J. Forrest
Zoning Variance Items
SUBJECT: Meeting - April 24, 1984

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item #275 - Louis DiPasquale
- Item #277 - Security Mini Storage
- Item #278 - Industrial Enterprises, Inc.
- Item #281 - Charles L. Carter

Meeting - May 1, 1984

- Item #284 - 122 Slade Ltd. Partnership
- Item #285 - James R. Ouplette, Sr., et ux
- Item #286 - I.U.E. Local #130
- Item #287 - Middle River Square Club, Inc.
- Item #288 - Beechwood Development Corp.
- Item #289 - Bernard W. Baker
- Item #291 - M. TylorGatchell, et ux

John J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

ISJ/vth

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 2586
494-4500

PAUL H. REMKE
CHIEF

May 3, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodori, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Louis DiPasquale

Location: SE/S Pulaski Hwy. 1023' N/E Mohr's Lane

Item No.: 275

Zoning Agenda: Meeting of 4/24/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

April 25, 1984

TED ZALISKI JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 275 Zoning Advisory Committee Meeting are as follows:

Property Owner: Louis DiPasquale
Location: SE/S Pulaski Highway 1023' N/E Mohr's Lane
Existing Zoning: B.N.
Proposed Zoning: Special exception for one double-faced illuminated 12 x 25 outdoor advertising structure (sign).

Area: 15 x 30
District: 11th.

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 and the Baltimore County Department of Public Works and other applicable Codes.
- A building/ or other permit shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, line 2, Section 407 and Table 400, also Section 501.2.
- Requested variance appears to conflict with the Baltimore County Building Code, Section's
- A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- Comments - Comply with Section 1901.0.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

[Signature]
Charles E. Burman, Chief
Plans Review

CEB:ee

IN RE: PETITION FOR
SPECIAL EXCEPTION
SE/S of Pulaski Highway, 820' NE
of the c/l of Mohr's Lane
11th Election District
Louis DiPasquale,
Petitioner

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* Case No. 85-18-X

Entry of Appearance

Please enter my appearance as a party in the above captioned matter, pursuant to Section 501.6, B.C.Z.R., and I hereby request that any and all notices be forwarded to my office, including but not limited to hearing dates and/or preliminary or final Orders.

[Signature]
Arnold Jablon
Zoning Commissioner of Baltimore
County
Room 109 - 111 West Chesapeake Avenue
Towson, Maryland 21204
494-3353

Certificate of Mailing

IT IS HEREBY CERTIFIED that on this 31st day of August 1984, copies of the foregoing Entry of Appearance were mailed, postage prepaid, by first class delivery to the County Attorney of Baltimore County, People's Counsel for Baltimore County, Petitioner(s) and/or Protestant(s) in the above captioned matter.

[Signature]
Arnold Jablon

IN THE MATTER OF THE
APPLICATION OF
GEORGE MEHRING
FOR A SPECIAL EXCEPTION
ETC.
APPEAL FROM THE COUNTY
BOARD OF APPEALS OF
BALTIMORE COUNTY
File No. 84-109-X

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW
Case 2/29/84CG434

ORDER

This Appeal having come on for a hearing in open Court on November 26, 1984, after the submission of the memoranda allowed by Rule B12, and the reasons for this Court's judgment having been set forth on the record during the proceedings on of November 26, 1984, it is this 28th day of November, 1984, ADJUDGED, ORDERED and DECREED that the Order of the County Board of Appeals dated July 11, 1984 is reversed and the Special Exceptions petitioned for by Appellants be and the same is hereby granted.

[Signature]
JUDGE

Approved as to form:

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, MD 21204

[Signature]
M. Albert Figinski
Melnicove, Kaufman, Weiner &
Smouse, P.A.
36 S. Charles Street
Baltimore, MD 21201

0948/2

FILED NOV 29 1984

85-18-X
APPEARANCE
BY: [Signature]
LOUIS DIPASQUALE - Petitioner : BEFORE THE
FOSTER & KLEISER, Contract Lessee : ZONING COMMISSIONER
: OF
BALTIMORE COUNTY
: Case No. 85-18-X

ENTRY OF APPEARANCE

Please enter my appearance as counsel for Foster & Kleiser, Contract Lessee, in Case No. 85-18-X.

[Signature]
M. Albert Figinski
Melnicove, Kaufman, Weiner & Smouse,
P.A.
36 S. Charles Street
Baltimore, MD. 21201
301-332-8520

REMINDER

MR. HACKETT WANT TO SEE MEHLING
COURT DECISION BEFORE HEARING
ON THIS CASE

Copy in file

Baltimore County
(Hearing Room #218)

MENT

IT GOOD AND SUFFICIENT
REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN
STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONE-
MENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEAR-
ING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 85-18-X

LOUIS DIPASQUALE

SE/S Pulaski Highway, 820' NE of
centerline of Mohr's Lane

11th District

SE-Illuminated outdoor sign

7/24/84 - Z.C.'s Order - DENIED

ASSIGNED FOR:

cc: Louis DiPasquale

Foster & Kleiser

M. Albert Figinski, Esq.

Phyllis Friedman

N. E. Gerber

James Howell

Arnold Jablon

Jean Jung

James Dyer

THURSDAY, JANUARY 3, 1985, at 10 a.m.

Petitioner

Contract Lessee

Counsel for Contract Lessee

People's Counsel

June Holman, Secy.



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 14, 1985

Foster & Kleiser
c/o Mr. Walker
3001 Remington Avenue
Baltimore, MD 21211

Re: Case No. 85-18-X
Louis DiPasquale

Dear Mr. Walker:

Enclosed herewith is a copy of the Opinion and
Order passed today by the County Board of Appeals in the above
entitled case.

Very truly yours,

Edith T. Eisenhart, Adm. Secretary

Enclosure

cc: Louis DiPasquale
M. Albert Figinski, Esquire
Phyllis C. Friedman
Norman E. Gerber
James G. Howell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

IN THE MATTER OF THE APPLICATION OF
LOUIS DIPASQUALE
FOR A SPECIAL EXCEPTION FOR
AN ILLUMINATED OUTDOOR SIGN
SE/S OF PULASKI HIGHWAY 820'
NE OF THE CENTERLINE OF
MOHR'S LANE
11th DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 85-18-X

OPINION

This case comes before the Board of Appeals as an appeal from the
Order of the Zoning Commissioner of Baltimore County, dated July 24, 1984. In
his Opinion, the Zoning Commissioner denied the Petitioner's request for a
special exception to place an outdoor advertising sign on the subject property,
which is zoned B.R. and is located on the southeast side of Pulaski Highway
820 feet northeast of the centerline of Mohr's Lane, in the Eleventh Election
District of Baltimore County.

The Zoning Commissioner's sole reason for denial of the petition
was his reliance upon prior decisions of this Board, specifically cases #82-
226-XSPH, #84-93-X and #84-109-X. In those decisions this Board had ruled as
a matter of law that outdoor signs of the nature as contemplated here are not
allowed in a B.R. zone. Notwithstanding this ruling, the Zoning Commissioner,
in dicta, stated that the Petitioner had met the requirements of §502.1 of the
Baltimore County Zoning Regulations (BCZR) insofar as granting a special ex-
ception. Particularly, the proposed use was shown not to be detrimental to
the health, safety or general welfare of the locality, nor be in any manner
inconsistent with the property's zoning classification or the spirit and intent
of the BCZR.

Before this Board there was no direct testimony taken, rather only
a proffer by both the People's Counsel and counsel for the Petitioner. In

LOUIS DIPASQUALE - #85-18-X

this proffer, the Order of the Circuit Court for Baltimore County, by Judge
Murphy, was brought to the Board's attention. This Order, dated November 29,
1984, reversed the Board's ruling in the Mehling case (#84-109-X), and held
that outdoor signs are permissible on property zoned B.R. In light of this
direction from the Circuit Court, and because the Petitioner has satisfied the
requirements of §502.1 of the BCZR, this Board has no alternative other than to
grant the requested petition and will so order.

ORDER

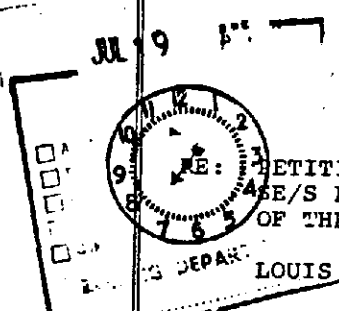
For the reasons set forth in the foregoing Opinion, it is this
14th day of January, 1985, by the County Board of Appeals, ORDERED that
the Order of the Zoning Commissioner of Baltimore County, dated July 24, 1984,
be and is hereby REVERSED, and that the special exception petitioned for, be
and the same is hereby GRANTED.
Any appeal from this decision must be in accordance with Rules
B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Lawrence S. Schmidt

LeRoy S. Spurrer



PETITION FOR SPECIAL EXCEPTION : BEFORE THE
SE/S PULASKI HWY., 820' N.E. ZONING COMMISSIONER
OF THE C/L OF MOHR'S LANE
LOUIS DIPASQUALE - Petitioner : OF
FOSTER & KLEISER, Contract Lessee BALTIMORE COUNTY
: Case No. 85-18-X

ENTRY OF APPEARANCE

Please enter my appearance as counsel for Foster &
Kleiser, Contract Lessee, in Case No. 85-18-X.

M. Albert Figinski
M. Albert Figinski, Esquire
Melnicove, Kaufman, Weiner & Smouse,
P.A.
36 S. Charles Street
Baltimore, MD. 21201
301-332-8520

FOSTER AND KLEISER
A METROMEDIA COMPANY

3001 REMINGTON AVENUE
BALTIMORE, MARYLAND 21211
(301) 494-3180

August 10, 1984

Arnold Jablon, Esquire
Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon,

Please enter an appeal to the Board of Appeals in the matter of
Petition for Special Exception; Case No. 85-18X (SE/S of Pulaski
Hwy. 820' NE of C/L of Mohr's Lane - 11th Election District).
The referred Petition was denied by Commissioner's Order dated
July 24, 1984.

Enclosed is our check for \$105.00 to cover filing fee and posting
the premises. Thank you.

Sincerely,
W. R. Walker
Real Estate Dev. Manager

WRW/lbr

Enclosure

cc: M. Albert Figinski, Esq.
Phyllis C. Friedman, Esq.
People's Counsel

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

August 31, 1984

Phyllis C. Friedman, Esquire
People's Counsel for Baltimore County
Room 223, Courthouse
Towson, Maryland 21204

Re: Petition for Special Exception
SE/S of Pulaski Hwy., 820' NE of the
C/L of Mohr's Lane
Louis DiPasquale - Petitioner
Case No. 85-18-X

Dear Ms. Friedman:

Please be advised that an appeal has been filed by the contract lessee,
Foster and Kleiser, from the decision rendered by the Zoning Commissioner of
Baltimore County in the above referenced matter.

You will be notified of the date and time of the appeal hearing when it
is scheduled by the County Board of Appeals.

Very truly yours,

ARNOLD JABLON
Zoning Commissioner

AJ:sj

cc: M. Albert Figinski, Esquire
36 South Charles Street
Baltimore, Maryland 21201

Louis DiPasquale
10025 Pulaski Highway
Baltimore, Maryland 21220

June 26, 1984

Mr. Louis DiPasquale
10025 Pulaski Highway
Baltimore, Maryland 21220

NOTICE OF HEARING

Re: Petition for Special Exception
SE/S Pulaski Hwy., 820' NE of the C/L of
Mohr's Lane
Louis DiPasquale - Petitioner
Case No. 85-18-X

TIME: 10:15 A.M.

DATE: Monday, July 23, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

cc: Foster & Kleiser
c/o Mr. Walker
3001 Remington Avenue
Baltimore, Maryland 21211

Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 128273

DATE: 7/20/84 ACCOUNT: 201-15-001

AMOUNT: \$100.00

RECEIVED FROM: Bill Walker

FOR: 10025 Pulaski Hwy # 225

10025 Pulaski Hwy # 225

6 053000-0100000 21044

VALIDATION OR SIGNATURE OF CASHIER

JUL 28 1985

85-18-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11 Date of Posting: 7/8/84

Posted for: *Robert D. Lasker*

Petitioner: *Louis DiPasquale*

Location of property: *SE/S Pulaski Hwy., 820' NE of the centerline of Mohr's Lane*

Location of Sign: *front of property (facing Pulaski Hwy.)*

Remarks: *Arch. of building sign also on property*

Posted by: *Arnold Jablon* Date of return: 7/12/84

Number of Signs: 1

Petition for Special Exception
11th Election District
ZONING: Petition for Special Exception
LOCATION: Southeast side of Pulaski Highway 820 ft. Northeast of the centerline of Mohr's Lane
DATE & TIME: Monday, July 23, 1984 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for one double-faced illuminated 12' x 25' outdoor advertising structure (sign) being the property of Louis DiPasquale, as shown on plat plan filed with the Zoning Department.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order of
Arnold Jablon
Zoning Commissioner of Baltimore County

The Times
Middle River, Md., July 5, 1984
This is to certify, that the annexed was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 5th day of July, 1984.
J. J. [Signature] Publisher

85-18-X

CERTIFICATE OF PUBLICATION
TOWSON, MD., July 5, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 5, 1984.

THE JEFFERSONIAN,
18 Ventral
Publisher

2000

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

July 11, 1984

Foster & Kleiser
c/o Bill Walker
3001 Remington Avenue
Baltimore, Maryland 21211

Re: Petition for Special Exception
SE/S Pulaski Hwy., 820' NE of the
c/l of Mohr's Lane
Louis DiPasquale - Petitioner
Case No. 85-18-X

Dear Sir:

This is to advise you that \$44.85 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,
Arnold Jablon
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 131940

DATE: 7-23-84 ACCOUNT: 8-01-615-000

AMOUNT: \$44.85

RECEIVED FROM: Foster & Kleiser

FOR: *advertising Case # 85-18-X*
(Louis DiPasquale)

0 026*****45514 82345

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION SPECIAL EXCEPTION
SE/S of Pulaski Highway, 820'
NE of the centerline of Mohr's
Lane - 11th Election District
Louis DiPasquale,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-18-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner, by Foster & Kleiser, the Contract Lessee, requests a special exception to place an outdoor advertising sign on the subject property, as more particularly shown on Petitioner's Exhibit 1.

The Contract Lessee, by Wilbur Walker, Real Estate Manager, and Barry Freedman, Director of Public Affairs, appeared and was represented by Counsel. No Protestants appeared.

Testimony indicated that the proposed 12' x 25' double-faced illuminated sign would be located in a B.R. Zone. Inasmuch as the Board of Appeals of Baltimore County ruled in Case Nos. 82-226-XSPH, 84-93-X, and 84-109-X that outdoor advertising signs in B.R. Zones are not permitted, this request will not be granted. Although the reasons given by the Board are convoluted, the conclusion reached therein are rational and conform to the doctrines of legislative intent.

However, if the legislation is changed to permit such signs in a B.R. Zone or if on appeal the decision rendered herein is reversed, the Petitioner has met the burden of satisfying Section 502.1 of the Baltimore County Zoning Regulations (BCZR), pursuant to *Schultz v. Pritts*, 432 A.2d 1319 (1981), as the proposed use would not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

ORDER RECEIVED FOR FILING
DATE: July 24, 1984
BY: [Signature]

PROPERTY DESCRIPTION

BEGINNING AT A POINT LOCATED ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY (150 FEET WIDE) 820 FEET NORTHEAST OF THE CENTER LINE OF MOHR'S LANE (20 FEET WIDE) AND 125 FEET FROM THE CENTERLINE OF PULASKI HIGHWAY AND RUNNING THE FOLLOWING COURSE AND DISTANCES: 1) NORTH-EASTERLY A DISTANCE OF 15 FEET TO A POINT; 2) SOUTH-EASTERLY A DISTANCE OF 30 FEET TO A POINT; 3) SOUTH-WESTERLY A DISTANCE OF 15 FEET TO A POINT; 4) NORTH-WESTERLY A DISTANCE OF 30 FEET TO THE BEGINNING POINT.

Hand 2275
Revised plans
7/14/84

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of July, 1984, that the Petition for Special Exception for a 12' x 25' double-faced illuminated outdoor advertising sign be and is hereby DENIED.

AJ/srl
cc: M. Albert Figinski, Esquire
People's Counsel

Arnold Jablon
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE: July 24, 1984
BY: [Signature]

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PETITION FOR SPECIAL EXCEPTION

11th Election District

ZONING: Petition for Special Exception

LOCATION: Southeast side of Pulaski Highway, 820 ft. Northeast of the centerline of Mohr's Lane

DATE & TIME: Monday, July 23, 1984 at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for one double-faced illuminated 12' x 25' outdoor advertising structure (sign)

Being the property of Louis DiPasquale, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY